IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL SIDE APPELLATE JURISDICTION

FIFRST APPEAL NO.377 OF 2005

Prasad Chambers Premises Co-op.
Society ... Appellant

vs.

1. ESI Corporation,
2. Regional Director,
ESI Corporation ... Respondents

Mr.Rajesh Gehani for the appellant.

Mr.H.V.Mehta for respondent no.1.

CORAM : ANOOP V. MOHTA,J.

DATED : 2nd November, 2007

JUDGMENT:

The respondent Corporation served a Form O-1 to the applicant seeking information about coverage of the society. While furnishing the information, the appellant society sought clarification from the opponent by pointing out that the applicant is not covered under the Act. After referring to these documents, the opponent Corporation informed the applicant that it is not covered under the Act.

2. On 9.3.1990, by a letter dated 9.3.1990, the appellant was informed that they are provisionally covered under the Act w.e.f. 12.12.1978.

3. On 14.7.1992, after exchange of correspondences the appellants challenged the coverage of their society by

filing the application (ESI) No.48 of 1992.

4. On 28.7.1992, the respondent Corporation filed their written statement dated 28.7.93 as also their list of documents with documents.

5. Between 4.12.2001 to 3.4.2002 evidence of Shri Narayanan P Nair on behalf of appellants was led.

6. On 6.8.2002 evidence of Shri P.V.Belvalkar on behalf of the respondent Corporation was led.

7. 7.8.2003 Order impugned in this Appeal was passed by the ESI Court.

8. In view of the reasoning given in the judgment dated 2nd November, 2007 in First Appeal No.844 of 2004 along with other First Appeals, the impugned order is set aside and this First Appeal is allowed and disposed of accordingly.

. No order as to costs.

[ANOOP V. MOHTA,J.]